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Bar Number: **Foreign Legal Consultant with Bar 330020**

## **IN THE SUPREME COURT STATE OF ARIZONA**

In the Matter of PETITION	)	
TO AMEND RULE Rule38 (b)	)	Supreme Court
7, A) V;		
Arizona Rules to practice as	)	No. R-_____
a Foreign Legal Consultant	)	
regarding to prepare any	)	
instrument in respect to	)	
marital relations, rights or	)	
duties of a resident of the		
United States of America or		
the custody or care of the		
children of a resident.		
Rules regarding to practice	)	Petition to Amend Rule
as a Foreign Legal	)	Rule 38 (b) 7, A) V; ASCR
Consultant	)	

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## **INTRODUCTION**

**Rule 38 (b) 7, A) V; to practice as a foreign legal consultant says:**

*7. Scope of practice.*

*A. A person licensed to practice as a foreign legal consultant under this rule **may render legal services in this state subject, however, to the limitations that he or she shall not:***

...

***V. Prepare any instrument in respect to marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of a resident;***

Apparently rule is clear but no to me and I explain why. Most of the Mexican legal system is written and this is the reason which people who are current resident of the United States of America, can appear from Arizona not necessarily in person, before Mexican courts to resolve her or his conflicts about marital relations, rights, duties or the custody or care of the children of a resident.

**1. SUMMARY OF PROPOSED CHANGES**

**Under these conditions apparently Foreign Legal Consultants cannot assist costumer who lives here and this is the reason which I propose change petition; rule should not be that because international laws are beyond of jurisdiction Supreme Court of Arizona.**

My point is basically the typical case of the people who got married in Mexico (under Mexican legal system) and then only one of them came to Arizona, this person lives here like current resident and wants to divorce in the Mexican legal system from another one who lives there.

In fact, my reason about change petition is because in this example we have two persons, one here like resident and another one in Mexico; most of foreign legal consultants (Mexicans) know how to divorce them before Mexican legal system from here, but I want to change this rule to become permissible to practice as a foreign legal consultant under 38 (b) rule.

**If foreign legal consultants can practice law, prepare documents or provide advice on the laws of his or her countries, I think they should prepare any instrument**

in respect to marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of a resident, on the laws of his or her countries from Arizona, because their legal services will be affecting in these kind of courts, marital relations that were got it in their countries.

I same think about rights or duties or the custody or care of the children of a resident of the United States of America, because too many of this kind of children live in other countries which they have rights of parents who live and work here.

Dated this in Phoenix, Arizona November 19, 2007

**Sergio Horacio Urbina Hernandez**  
**Foreign Legal Consultant**

## 2. TEXT OF PROPOSED RULE CHANGE

**38**

**(b) Foreign Legal Consultant**

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### **7. Scope of practice.**

A.

*A person licensed to practice as a foreign legal consultant under this rule may render legal services in this state subject, however, to the limitations that he or she shall not:*

- I. appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state other than upon admission pro hac vice pursuant to Rule 38(a);*
- II. prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States of America;*
- III. prepare any will or trust instrument affecting the disposition on death of any property located in the United States of America and owned by a resident thereof;*
- IV. prepare any instrument relating to the administration of a decedent's estate in the United States of America;*
- V. prepare any instrument in respect to marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of resident, **before any magistrate or other judicial officer, in this state***
- VI. render professional legal advice on the law of this state or of the United States of America (whether*

*rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this rule) to render professional legal advice in this state;*

*VII. In any way hold himself or herself out as a member of the state bar.*